

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LTL MANAGEMENT LLC,

Plaintiff,

v.

DR. THERESA SWAIN EMORY, DR.
RICHARD LAWRENCE KRADIN, AND DR.
JOHN COULTER MADDOX

Defendants.

DOCKET NO.: 3:23-CV-03649-MAS-RLS

CIVIL ACTION

DECLARATION OF DR. THERESA S. EMORY, MD

Dr. Theresa S. Emory, MD hereby declares under penalty of perjury as follows:

1. I am over eighteen (18) years of age and have personal knowledge of, and am competent to testify to, the matters set forth in this Declaration.

2. I previously submitted a declaration dated September 12, 2023, where I stated that I had never served as an expert witness in any case filed in any state or federal court in New Jersey. I made that statement based on my recollection that I have never traveled to New Jersey to testify in any deposition or trial.

3. I understand that LTL has submitted various exhibits in connection with their Opposition to Defendants' Motion to Dismiss, which indicate that I submitted brief Surgical Pathology Reports in connection with *Anderton v. 3M Company, et al*, No. MID-L-5866-18 AS (N.J. Sup. Ct.), *see* ECF No. 19-7, and *Clemons v. Brenntag North America, Inc., et al.*, No. MID-L-03408-18 AS (N.J. Sup. Ct.), *see* ECF No. 19-8. I never testified in a deposition or at trial in either of these cases.

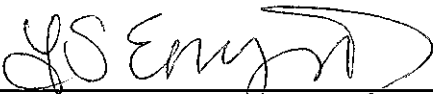
4. When I am asked to prepare a Surgical Pathology Report like those submitted as Exhibits F and G to the Declaration of Peter C. Harvey, *see* ECF Nos. 19-7, 19-8, I do not inquire where the subject is located or where their respective case has been filed. And so I often

do not know where a particular case is located until and unless I am asked to travel to testify in connection with a case.

5. Because I do not consider the location of a plaintiff's case as a factor that impacts whether I prepare an expert report or not, I never decide to serve as an expert witness for a particular plaintiff because their case was filed in a particular jurisdiction.

6. I also understand that LTL submitted Exhibits D, E, and K to the Declaration of Peter C. Harvey, *see* ECF Nos. 19-5, 19-6, 19-12, to support their claim that I was disclosed as an expert in the cases listed in Exhibit K. I have reviewed the list of cases in Exhibit K and confirmed that I was never retained as an expert in any of these cases, and did not issue any expert report or testify at any deposition or trial in connection with these cases. It is my understanding that Exhibit K reflects plaintiff's counsel's efforts to update my list of reliance materials in connection with the expert reports I had previously issued in Exhibits F and G to the Declaration of Peter C. Harvey. *See* ECF Nos. 19-7, 19-8.

Executed on October 9, 2023.


Dr. Theresa S. Emory, M.D.